

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MAYNARD WAYNE BIGLEGGINS,

Defendant.

CR-21-44-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 24, 2024. (Doc. 92.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 14, 2024. (Doc. 91.) The United States accused Maynard Bigleggins (Bigleggins) of violating his

conditions of supervised release by (1) consuming alcohol on March 21, 2024, March 29, 2024, April 1, 2024, and April 7, 2024; (2) using marijuana on March 30, 2024, March 31, 2024, and April 6, 2024. The Petition further alleged that (3) on April 14, 2024, Bigleggins committed the misdemeanor offense of Disorderly Conduct, in violation of Fort Peck Tribes Criminal Code Title 7 Sec. 440. (Doc. 84.)

At the revocation hearing, Bigleggins admitted to having violated the conditions of his supervised release by (1) consuming alcohol on March 21, 2024, March 29, 2024, April 1, 2024, and April 7, 2024; (2) using marijuana on March 30, 2024, March 31, 2024, and April 6, 2024; and (3) on April 14, 2024, committing the misdemeanor offense of Disorderly Conduct, in violation of Fort Peck Tribes Criminal Code Title 7 Sec. 440

Judge Johnston found that the violations Bigleggins admitted prove serious and warrants revocation of his supervised release and recommends a custodial sentence until May 17, 2024, at 1:30 p.m. with 57 months of supervised release to follow with the first six to twelve months of supervised release in the Mark House Sober Living Facility in Billings, Montana. Judge Johnston also recommended that Big Leggins remain at the Mark House Sober Living Facility for at least six months and no more than twelve months, with any term beyond six months to be at the discretion of his probation officer. Bigleggins was advised of his right to appeal and

his right to allocute before the undersigned and waived those rights. (Doc. 91.) The violations prove serious and warrants revocation of Bigleggings' supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 92.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Maynard Wayne Bigleggings be sentenced to the Bureau of Prison until Friday, May 17, 2024, at 1:30 p.m., with 57 months of supervised release to follow. During the first 6 to 12 months of Bigleggings' supervised release, he shall be placed at the Mark House Sober Living facility in Billings, Montana. Bigleggings shall reside at the Mark House Sober Living facility for at least six months and no more than twelve months, with the term beyond six months to be at the discretion of Bigleggings' probation officer.

DATED this 20th day of May, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court